

1 JEFFREY W. KRAMER (SBN 71547)  
Email: jkramer@troygould.com  
2 ANNMARIE MORI (SBN 217835)  
Email: amori@troygould.com  
3 TROYGOULD PC  
1801 Century Park East, 16th Floor  
4 Los Angeles, CA 90067-2367  
Telephone: (310) 553-4441  
5 Facsimile: (310) 201-4746

6 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

11 BROADCAST MUSIC, INC.;  
STARFAITH, L.P. d/b/a LIGHT  
12 MUSIC; DYNATONE PUBLISHING  
COMPANY; SONY/ATV SONGS  
13 LLC; THE BERNARD EDWARDS  
COMPANY LLC; TRICE  
14 PUBLISHING CO.; RONDOR MUSIC  
INTERNATIONAL, INC. d/b/a  
15 IRVING MUSIC; COTILLION  
MUSIC, INC. d/b/a PRONTO MUSIC;  
16 STONE DIAMOND MUSIC CORP.;  
FORT KNOX MUSIC, INC.; T/Q  
17 MUSIC, INC. d/b/a TRIO MUSIC  
COMPANY; SCREEN GEMS-EMI  
18 MUSIC, INC.; AMAZEMENT  
MUSIC; WARNER-TAMERLANE  
19 PUBLISHING CORP.; GREGMARK  
MUSIC, INC.; LORD AND WALKER  
20 PUBLISHING; MALACO MUSIC  
COMPANY; PEERMUSIC III LTD.,

21 Plaintiffs,

22 v.

23 LA LOUISANNE, INC., and EDISON  
WHEELER, individually and doing  
24 business as LA LOUISANNE,

25 Defendants.

Case No. :

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

1 Plaintiffs Broadcast Music, Inc., Starfaith, L.P. d/b/a Light Music, Dynatone  
 2 Publishing Company, Sony/ATV Songs LLC, The Bernard Edwards Company LLC,  
 3 Trice Publishing Co., Rondor Music International, Inc. d/b/a Irving Music, Cotillion  
 4 Music, Inc. d/b/a Pronto Music, Stone Diamond Music Corp., Fort Knox Music, Inc.,  
 5 T/Q Music, Inc. d/b/a Trio Music Company, Screen Gems-EMI Music, Inc.,  
 6 Amazement Music, Warner-Tamerlane Publishing Corp., Gregmark Music, Inc.,  
 7 Lord and Walker Publishing, Malaco Music Company and Peermusic III Ltd.  
 8 (collectively, “Plaintiffs”), by their attorneys, for their Complaint for Copyright  
 9 Infringement (“Complaint”) against Defendants La Louisanne, Inc. and Edison  
 10 Wheeler, individually and doing business as La Louisanne (collectively,  
 11 “Defendants”), allege as follows (on knowledge as to Plaintiffs; otherwise on  
 12 information and belief):

### 13 JURISDICTION AND VENUE

14 1. This is a suit for copyright infringement under the United States  
 15 Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the “Copyright  
 16 Act”). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

17 2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section  
 18 1400(a).

### 19 THE PARTIES

20 3. Plaintiff Broadcast Music, Inc. (“BMI”) is a corporation organized and  
 21 existing under the laws of the State of New York. BMI’s principal place of business  
 22 is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI  
 23 has been granted the right to license the public performance rights in approximately  
 24 10.5 million copyrighted musical compositions (the “BMI Repertoire”), including  
 25 those which are alleged herein to have been infringed.

26 4. The Plaintiffs other than BMI are the owners of the copyrights in the  
 27 musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined  
 28 pursuant to Fed. R. Civ. P. 17(a) and 19(a).

1           5.     Plaintiff Starfaith, L.P. is a limited partnership owned by Guts and  
2 Grace Records, Inc., which in turn is a California corporation, and the Santana  
3 Family Trust, which in turn is a trust doing business as Light Music.

4           6.     Plaintiff Dynatone Publishing Company is a corporation. This Plaintiff  
5 is the copyright owner of at least one of the songs in this matter.

6           7.     Plaintiff Sony/ATV Songs LLC is a limited liability company. This  
7 Plaintiff is the copyright owner of at least one of the songs in this matter.

8           8.     Plaintiff The Bernard Edwards Company LLC is a limited liability  
9 company. This Plaintiff is the copyright owner of at least one of the songs in this  
10 matter.

11          9.     Plaintiff Trice Publishing Company is a sole proprietorship owned by  
12 Milton Campbell. This Plaintiff is the copyright owner of at least one of the songs in  
13 this matter.

14          10.    Plaintiff Rondor Music International, Inc. is a corporation doing  
15 business as Irving Music. This Plaintiff is the copyright owner of at least one of the  
16 songs in this matter.

17          11.    Plaintiff Cotillion Music, Inc. is a corporation doing business as Pronto  
18 Music. This Plaintiff is the copyright owner of at least one of the songs in this  
19 matter.

20          12.    Plaintiff Stone Diamond Music Corp. is a corporation. This Plaintiff is  
21 the copyright owner of at least one of the songs in this matter.

22          13.    Plaintiff Fort Knox Music, Inc. is a corporation. This Plaintiff is the  
23 copyright owner of at least one of the songs in this matter.

24          14.    Plaintiff T/Q Music, Inc. is a corporation doing business as Trio Music  
25 Company. This Plaintiff is the copyright owner of at least one of the songs in this  
26 matter.

27          15.    Plaintiff Screen Gems-EMI Music, Inc. is a corporation. This Plaintiff  
28 is the copyright owner of at least one of the songs in this matter.

1           16. Plaintiff Amazement Music is a sole proprietorship owned by Frankie  
2 Beverly. This Plaintiff is the copyright owner of at least one of the songs in this  
3 matter.

4           17. Plaintiff Gregmark Music, Inc. is a corporation. This Plaintiff is the  
5 copyright owner of at least one of the songs in this matter.

6           18. Plaintiff Lord and Walker Publishing is a sole proprietorship owned by  
7 Bernita Walker-Moss. This Plaintiff is the copyright owner of at least one of the  
8 songs in this matter.

9           19. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This  
10 Plaintiff is the copyright owner of at least one of the songs in this matter.

11           20. Plaintiff Malaco Music Company is a corporation. This Plaintiff is the  
12 copyright owner of at least one of the songs in this matter.

13           21. Plaintiff Peermusic III Ltd. is a limited liability company. This Plaintiff  
14 is the copyright owner of at least one of the songs in this matter.

15           22. Defendant La Louisanne, Inc. is a corporation organized and existing  
16 under the laws of the State of California, which operates, maintains and controls an  
17 establishment known as La Louisanne, located at 5812 Overhill Drive, Los Angeles,  
18 California, 90043, in this district (the "Establishment").

19           23. In connection with the operation of the Establishment, Defendant La  
20 Louisanne, Inc. publicly performs musical compositions and/or causes musical  
21 compositions to be publicly performed.

22           24. Defendant La Louisanne, Inc. has a direct financial interest in the  
23 Establishment.

24           25. Defendant Edison Wheeler is an officer of Defendant La Louisanne, Inc.  
25 with responsibility for the operation and management of that corporation and the  
26 Establishment.

1           26. Defendant Edison Wheeler has the right and ability to supervise the  
2 activities of Defendant La Louisanne, Inc. and a direct financial interest in that  
3 corporation and the Establishment.

#### 4                                   **CLAIMS OF COPYRIGHT INFRINGEMENT**

5           27. Plaintiffs repeat and reallege each of the allegations contained in  
6 paragraphs 1 through 26.

7           28. Since June 2012, BMI has reached out to Defendants over 55 times, by  
8 phone, in-person visits, and mail, in an effort to educate Defendants as to their  
9 obligations under the Copyright Act with respect to the necessity of purchasing a  
10 license for the public performance of musical compositions in the BMI repertoire.  
11 Included in the letters were Cease and Desist Notices, providing Defendants with  
12 formal notice that they must immediately cease all use of BMI-licensed music in the  
13 Establishment.

14           29. Plaintiffs allege sixteen (16) claims of willful copyright infringement,  
15 based upon Defendants' unauthorized public performance of musical compositions  
16 from the BMI Repertoire. All of the claims for copyright infringement joined in this  
17 Complaint are governed by the same legal rules and involve similar facts. Joinder of  
18 these claims will promote the convenient administration of justice and will avoid a  
19 multiplicity of separate, similar actions against Defendants.

20           30. Annexed to this Complaint as a schedule (the "Schedule") and  
21 incorporated herein is a list identifying some of the many musical compositions  
22 whose copyrights were infringed by Defendants. The Schedule contains information  
23 on the sixteen (16) claims of copyright infringement at issue in this action. Each  
24 numbered claim has the following eight lines of information (all references to  
25 "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing  
26 the title of the musical composition related to that claim; Line 3 identifying the  
27 writer(s) of the musical composition; Line 4 identifying the publisher(s) of the  
28 musical composition and the plaintiff(s) in this action pursuing the claim at issue;

1 Line 5 providing the date on which the copyright registration was issued for the  
2 musical composition; Line 6 indicating the copyright registration number(s) for the  
3 musical composition; Line 7 showing the date(s) of infringement; and Line 8  
4 identifying the Establishment where the infringement occurred.

5 31. For each work identified on the Schedule, the person(s) named on Line  
6 3 was the creator of that musical composition.

7 32. For each work identified on the Schedule, on or about the date(s)  
8 indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in  
9 interest), complied in all respects with the requirements of the Copyright Act and  
10 received from the Register of Copyrights Certificates of Registration bearing the  
11 number(s) listed on Line 6.

12 33. For each work identified on the Schedule, on the date(s) listed on Line  
13 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the  
14 musical composition identified on Line 2. For each work identified on the Schedule,  
15 on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the  
16 owner of the copyright in the respective musical composition listed on Line 2.

17 34. For each work identified on the Schedule, on the date(s) listed on Line  
18 7, Defendants publicly performed and/or caused to be publicly performed at the  
19 Establishment the musical composition identified on Line 2 without a license or  
20 permission to do so. Thus, Defendants have committed copyright infringement.

21 35. The specific acts of copyright infringement alleged in the Complaint, as  
22 well as Defendants' entire course of conduct, have caused and are causing Plaintiffs  
23 great and incalculable damage. By continuing to provide unauthorized public  
24 performances of works in the BMI Repertoire at the Establishment, Defendants  
25 threaten to continue committing copyright infringement. Unless this Court restrains  
26 Defendants from committing further acts of copyright infringement, Plaintiffs will  
27 suffer irreparable injury for which they have no adequate remedy at law.  
28

1 36. Plaintiffs seek statutory damages pursuant to 17 U.S.C. § 504. Plaintiffs  
2 further seek an order that Defendants be enjoined, pursuant to 17 U.S.C. § 502 from  
3 infringing, in any manner, the copyrighted musical compositions licensed by BMI.

4 WHEREFORE, Plaintiffs pray that:

5 1. Defendants, their agents, servants, employees, and all persons acting  
6 under their permission and authority, be enjoined and restrained from infringing, in  
7 any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17  
8 U.S.C. Section 502;

9 2. Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C.  
10 Section 504(c);

11 3. Defendants be ordered to pay costs, including a reasonable attorney's  
12 fee, pursuant to 17 U.S.C. Section 505; and

13 4. Plaintiffs have such other and further relief as is just and equitable.  
14

15 Date: May 2, 2016

TROYGOULD PC

17 By:   
18 AnnMarie Mori  
19 Attorneys for Plaintiffs  
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## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	Europa Earth's Cry Heaven's Smile a/k/a Europa
Line 3	Writer(s)	Carlos Santana a/k/a Devadip; Tom Coster
Line 4	Publisher Plaintiff(s)	Starfaith, L.P., a limited partnership consisting of Guts and Grace Records, Inc. (a California corporation), general partner, and Carlos Santana and Deborah Santana, as Trustees of the Santana Family Trust, limited partner, d/b/a Light Music
Line 5	Date(s) of Registration	3/31/76
Line 6	Registration No(s).	Eu 665436
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	2
Line 2	Musical Composition	Get Up I Feel Like Being Like A Sex Machine AKA Get Up I Feel Like Being A Sex Machine
Line 3	Writer(s)	James Brown; Bobby Byrd; Ronald Lenhoff
Line 4	Publisher Plaintiff(s)	Dynatone Publishing Company
Line 5	Date(s) of Registration	7/9/70    3/13/73
Line 6	Registration No(s).	Eu 198587    Ep 310534
Line 7	Date(s) of Infringement	02/16/2016
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	3
Line 2	Musical Composition	He's The Greatest Dancer
Line 3	Writer(s)	Bernard Edwards; Nile Rodgers
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; The Bernard Edwards Company LLC
Line 5	Date(s) of Registration	1/5/79                  6/18/81
Line 6	Registration No(s).	PAu 98-938          PA 106-655
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	4
Line 2	Musical Composition	Hey Hey! The Blues Is Alright' aka 'The Blues Is Alright
Line 3	Writer(s)	Milton Campbell
Line 4	Publisher Plaintiff(s)	Milton Campbell, an individual dba Trice Publishing Co.
Line 5	Date(s) of Registration	7/15/83
Line 6	Registration No(s).	PA 191-151
Line 7	Date(s) of Infringement	02/15/2016
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	5
Line 2	Musical Composition	Hold On, I'm Coming
Line 3	Writer(s)	Isaac Hayes, Jr.; David Porter
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music; Cotillion Music, Inc. d/b/a Pronto Music
Line 5	Date(s) of Registration	3/14/66                  6/3/68
Line 6	Registration No(s).	Eu 928718          Ep 246262
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	6
Line 2	Musical Composition	I Heard It Through The Grapevine a/k/a Heard It Through The Grapevine
Line 3	Writer(s)	Norman Whitfield, Barrett Strong
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	8/24/66
Line 6	Registration No(s).	Ep 220700
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	7
Line 2	Musical Composition	Drown In My Tears a/k/a I'll Drown In My Tears
Line 3	Writer(s)	Henry Glover
Line 4	Publisher Plaintiff(s)	Fort Knox Music, Inc.; T/Q Music, Inc. d/b/a Trio Music Company
Line 5	Date(s) of Registration	5/8/80      4/17/52
Line 6	Registration No(s).	RE 58-170      Ep 62386
Line 7	Date(s) of Infringement	02/15/2016
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	8
Line 2	Musical Composition	I'm Your Puppet
Line 3	Writer(s)	Lindon Oldham; Dan Pennington a/k/a Dan Penn
Line 4	Publisher Plaintiff(s)	Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	10/13/65      9/25/72
Line 6	Registration No(s).	Ep 209341      Ep 312552
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	9
Line 2	Musical Composition	Joy And Pain
Line 3	Writer(s)	Frankie Beverly
Line 4	Publisher Plaintiff(s)	Frankie Beverly d/b/a Amazement Music
Line 5	Date(s) of Registration	7/28/80
Line 6	Registration No(s).	PA 94-426
Line 7	Date(s) of Infringement	05/22/2015
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	10
Line 2	Musical Composition	Knock On Wood
Line 3	Writer(s)	Eddie Floyd; Steve Cropper
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	7/22/66 5/21/73
Line 6	Registration No(s).	Eu 949771 Ep 318805
Line 7	Date(s) of Infringement	02/15/2016
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	11
Line 2	Musical Composition	Six Three Four Five Seven Eight Nine a/k/a 634-5789
Line 3	Writer(s)	Steve Cropper; Eddie Floyd
Line 4	Publisher Plaintiff(s)	Cotillion Music, Inc. d/b/a Pronto Music; Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	2/1/66
Line 6	Registration No(s).	Eu 922428
Line 7	Date(s) of Infringement	02/15/2016
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	12
Line 2	Musical Composition	Stormy Monday a/k/a They Call It Stormy Monday a/k/a Call It Stormy Monday
Line 3	Writer(s)	Aaron T. Walker
Line 4	Publisher Plaintiff(s)	Gregmark Music, Inc.; Bernita Walker-Moss, an individual d/b/a Lord and Walker Publishing
Line 5	Date(s) of Registration	5/9/75      7/15/63      10/10/47
Line 6	Registration No(s).	R 604983    Ep 177515    E 98450
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	13
Line 2	Musical Composition	This Old Heart Of Mine (Is Weak For You) aka This Old Heart Of Mine
Line 3	Writer(s)	Brian Holland; Lamont Dozier; Eddie Holland; Sylvia Moy
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	1/6/66
Line 6	Registration No(s).	Ep 212086
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	14
Line 2	Musical Composition	You'll Never Find Another Love Like Mine
Line 3	Writer(s)	Kenneth Gamble a/k/a Kenny Gamble; Leon Huff
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	3/31/76      7/19/76
Line 6	Registration No(s).	Eu 670352    EP 355968
Line 7	Date(s) of Infringement	05/05/2013
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	15
Line 2	Musical Composition	I'll Be Around
Line 3	Writer(s)	Thomas Bell; Phil Hurtt
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	3/26/73
Line 6	Registration No(s).	Ep 310074
Line 7	Date(s) of Infringement	02/15/2016
Line 8	Place of Infringement	La Louisanne

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Line 1	Claim No.	16
Line 2	Musical Composition	Just Because
Line 3	Writer(s)	Larry Addison
Line 4	Publisher Plaintiff(s)	Malaco Music Company; Peermusic III Ltd.
Line 5	Date(s) of Registration	9/22/00
Line 6	Registration No(s).	PA 1-073-942
Line 7	Date(s) of Infringement	05/22/2015
Line 8	Place of Infringement	La Louisanne

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